

### **REMARKS**

In view of the following remarks, the Examiner is requested to allow Claims 1-27, 29-33, 35, 37-44 and 46-48, the only claims currently under examination in this application.

#### ***Information Disclosure Statement***

Applicants note that an Information Disclosure Statement (IDS), including an SB/08A form, was submitted in this application on October 17, 2005. Applicants respectfully request that the Examiner initial and return this SB/08A form, thereby indicating that the references cited in the IDS have been reviewed and made of record. For the Examiner's convenience, a copy of this form is enclosed herewith.

#### ***Claim Rejections – 35 U.S.C. § 102***

Claims 18, 26 and 46-48 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Kushnir *et al.* (USPN 6,685,731).

According to the MPEP, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. See MPEP 2131.

Claim 18 is directed to a method that includes the steps of monitoring for both vasoconstriction and vasodilation in a portion of a body; supplying heat to the portion of the body when vasoconstriction is determined; removing heat from the portion of the body when vasodilation is determined; and controlling at least one of vasoconstriction or vasodilation. Accordingly, an element of Claim 18 is removing heat from a portion of a body when vasodilation is determined.

The Applicants would like to point out that nowhere does Kushnir teach removing heat from a portion of the body when vasodilation is determined. Rather, as the Office acknowledges, Kushnir simply teaches a method involving a) measuring various parameters that can give an indication of the occurrence of vasoconstriction or vasodilation (see column 8, lines 56 to 62) and b) when vasoconstriction is determined initiating a heating sequence. See column 11, lines 10 to 23. However, Kushnir is completely silent as to what action is to take place if vasodilation is detected. Because Kushnir is silent as to what action is to take place if vasodilation is detected, Kushnir does not teach removing heat from a portion of the body when vasodilation is determined. Hence, Kushnir does not teach every element of the rejected claims, namely monitoring for both vasoconstriction and vasodilation.

Accordingly, because Kushnir does not teach every element of the rejected claims Kushnir does not anticipate the claimed invention and the Applicants respectfully request that the 35 U.S.C. § 102(e) Claims 18, 26 and 46-48 be withdrawn.

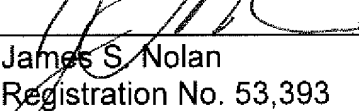
**CONCLUSION**

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone Bret Field at (650) 833-7770.

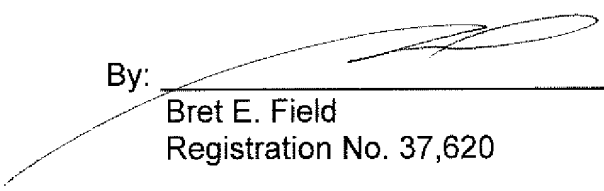
The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number STAN-334.

Respectfully submitted,  
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Date: May 10, 2006

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